

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

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In re	:	
	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
	:	
-----X		

**EX PARTE MOTION FOR SHORTENED NOTICE AND EXPEDITED HEARING ON  
MOTION OF CREDITORS FOR ENTRY OF AN ORDER PURSUANT TO SECTION  
105(a) OF THE BANKRUPTCY CODE DIRECTING THE DEBTOR TO COOPERATE  
WITH INTERESTED PARTIES SEEKING TO CONDUCT DUE DILIGENCE  
ON THE ART COLLECTION HOUSED AT THE DETROIT INSTITUTE OF ARTS**

The Creditors<sup>1</sup> submit this *Ex Parte* Motion for Shortened Notice and Expedited Hearing on the *Motion of Creditors for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code Directing the Debtor to Cooperate with Interested Parties Seeking to Conduct Due Diligence on the Art Collection Housed at the Detroit Institute of Arts* (the “**Art Motion**”) and respectfully represent as follows<sup>2</sup>:

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<sup>1</sup> Financial Guaranty Insurance Company (“**FGIC**”), Syncora Guarantee Inc. and Syncora Capital Assurance Inc. (“**Syncora**”), Hypothekenbank Frankfurt AG, Hypothekenbank Frankfurt International S.A., and Erste Europäische Pfandbrief- und Kommunalkreditbank Aktiengesellschaft in Luxemburg S.A., Michigan Council 25 of the American Federation of State, County and Municipal Employees, AFL-CIO and Sub-Chapter 98, City of Detroit Retirees, Wilmington Trust Company, National Association, as Successor Trustee and Successor Contract Administrator, Dexia Crédit Local, Dexia Holdings, Inc. and FMS-WM Service, solely in its capacity as servicer for FMS Wertmanagement, join this Motion.

<sup>2</sup> Capitalized terms not defined herein have the meanings given to them in the Art Motion.

### **Jurisdiction and Venue**

1. The Court has jurisdiction over this matter under 28 U.S.C. §§ 157 and 1334. Venue is proper in this district under 28 U.S.C. §§ 1408 and 1409.

### **Relief Requested and Basis for Relief**

2. Pursuant to Bankruptcy Rule 9006(c) and Local Bankruptcy Rule 9006-1(b), this Court may, *ex parte*, shorten the notice period provided by Local Bankruptcy Rule 9014-1 for a party to take any action or file any paper. Fed. R. Bankr. P. 9006(c); E.D. Mich. LBR 9006-1(b).

3. Specifically, Bankruptcy Rule 9006(c)(1) provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.” Local Bankruptcy Rule 9006-1(b) provides, “...a party may file a motion for an *ex parte* order reducing or enlarging the time for a party to take any action or file any paper.”

4. The Creditors respectfully request that, pursuant to Bankruptcy Rule 9006(a) and Local Bankruptcy Rule 9006-1(b), the Court shorten the notice period with respect to the Art Motion and schedule an expedited hearing on the Art Motion on **April 23, 2014**.

5. Contemporaneously with the filing of this *Ex Parte* Motion, the Creditors filed the Art Motion. For the reasons stated in the Art Motion, the Creditors seek the entry of an order, pursuant to 11 U.S.C. § 105(a), directing the Debtor to cooperate with interested parties seeking to conduct due diligence on the art collection housed at the Detroit Institute of Arts.

6. The Court is currently scheduled to hear motions to intervene in Adversary Proceeding No. 14-04112 filed by certain of the Creditors on April 23, 2014.

7. The Creditors will serve this *Ex Parte* Motion to the parties in the above-captioned proceedings and will provide notice of the *ex parte* order upon issuance pursuant to E.D. Mich. LBR 9006-1(b).

**Conclusion**

WHEREFORE, The Creditors respectfully request that the Court enter an Order, substantially in the form attached as Exhibit 1, granting the relief requested in this *Ex Parte* Motion and granting such further relief as this Court deems appropriate.

DATED: April 9, 2014  
Birmingham, Michigan

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**EXHIBIT 1**

**PROPOSED ORDER**



UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

-----X	:	
In re	:	
	:	Chapter 9
	:	
CITY OF DETROIT, MICHIGAN,	:	Case No. 13-53846
	:	
Debtor.	:	Hon. Steven W. Rhodes
	:	
	:	
-----X		

**ORDER GRANTING *EX PARTE* MOTION FOR SHORTENED  
NOTICE AND EXPEDITED HEARING ON MOTION OF CREDITORS  
FOR ENTRY OF AN ORDER PURSUANT TO SECTION 105(a) OF THE  
BANKRUPTCY CODE DIRECTING THE DEBTOR TO COOPERATE  
WITH INTERESTED PARTIES SEEKING TO CONDUCT DUE DILIGENCE  
ON THE ART COLLECTION HOUSED AT THE DETROIT INSTITUTE OF ARTS**

This matter having come before the Court on the motion (the “**Ex Parte Motion**”) of the Creditors<sup>1</sup> for the entry of an order shortening the notice period and scheduling an expedited hearing on the Motion of Creditors for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code Directing the Debtor to Cooperate with Interested Parties Seeking to Conduct Due Diligence on the Art Collection Housed at the Detroit Institute of Arts (the “**Art Motion**”), the Court having reviewed the Ex Parte Motion; and the Court having determined that the legal and factual bases set forth in the motion establish just cause for the relief granted herein;

**IT IS HEREBY ORDERED THAT:**

1. The Creditors’ Ex Parte Motion is GRANTED as set forth in this order.
2. The hearing with respect to the Creditors’ Art Motion shall be held on April 23,

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<sup>1</sup> Capitalized terms not defined herein have the meanings given to them in the Art Motion.

2014 before Hon. at 9:00 a.m. Hon. Steven Rhodes, in Courtroom 100 of the Theodore Levin  
United State Courthouse, 231 W. Lafayette Blvd., Detroit, Michigan.

**IT IS SO ORDERED.**

Signed on: \_\_\_\_\_

\_\_\_\_\_  
Steven Rhodes  
United States Bankruptcy Judge

**EXHIBIT 2**

**CERTIFICATE OF SERVICE**

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

-----X  
In re : Chapter 9  
: CITY OF DETROIT, MICHIGAN, : Case No. 13-53846  
: Debtor. : Hon. Steven W. Rhodes  
: :  
-----X

**CERTIFICATE OF SERVICE**

I hereby certify that on April 9, 2014 the *Ex Parte Motion for Shortened Notice and Expedited Hearing on Motion of Creditors for Entry of an Order Pursuant to Section 105(a) of the Bankruptcy Code Directing the Debtor to Cooperate with Interested Parties Seeking to Conduct Due Diligence on the Art Collection Housed at the Detroit Institute of Arts* was filed and served via the Court's electronic case filing and noticing system to all parties registered to received electronic notices in this matter.

/s/ Mark R. James  
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Dated: April 9, 2014